



Docket No. 1151-4167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chang Yi Wang

Group Art Unit: 1647

Serial No.: 09/865,294

Examiner: Sharon Turner, Ph.D.

Filed: May 25, 2001

For: IMMUNOGENIC PEPTIDE COMPOSITION FOR THE PREVENTION AND
TREATMENT OF ALZHEIMER'S DISEASE

Mail Stop:
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

Express Mail Label No.: **ER 146 332 381US**

Date of Deposit: **August 4, 2004**

I hereby certify that the following attached paper(s) and/or fee

1. Request For Adjustment of Patent Term Pursuant to 35 U.S.C. §154 and Reduction of Issue Fee for Small Entity Status and attached papers;
2. Return postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Maria C.H. Lin

(Typed or printed name of person mailing papers(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

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8-5-04

PATENT
USSN 09/865294
Attorney Docket: 1151-4167

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JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Serial No. : 09/865294
Filed : May 25, 2001
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DISEASE
Group Art Unit : 1647
Examiner : Sharon L. Turner, Ph.D.
Notice of Allowance : July 7, 2004

Mail Stop:

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR ADJUSTMENT OF PATENT TERM
PURSUANT TO 35 U.S.C. §1.154
AND
REDUCTION OF ISSUE FEE FOR SMALL ENTITY**

Sir:

This is to request adjustment of the patent term to reflect the delays encountered in the prosecution of the present application. Enclosed herewith is a copy of the Patent Term Adjustment History as published on the website of the Patent Office. The Notice of Allowance issued July 7, 2004. Thus, the present request is timely.

In accordance with the history published, the present application was filed on May 25, 2001. The first office actions issued September 19, 2002. Applicant promptly responded on October 15, 2002. Instead of proceeding with the substantive examination, a supplemental restriction requirement issued on October 21, 2002 that was not provoked by the Applicant's response. This was immediately responded to by the Applicant on October 30, 2002. Again, a third restriction requirement issued on February 6, 2003 with a different set of requirements. All three restriction requirements should have been issued at the same time.

Nevertheless, the Applicant promptly responded to all of these three separate restriction requirements and did not cause any delay. However, none of these actions were a notification under 35 U.S.C. § 132 as set forth by 35 U.S.C. § 154.

The first non-final rejection representing a notification under 35 U.S.C. § 132 was not issued until July 1, 2003. This is more than 14 months after the filing date as set forth by 35 U.S.C. § 154(b)(1)(A), and represents a delay of 298 days by the Patent Office. A response was filed by the Applicant on October 1, 2003. Thereafter, a Final rejection was issued on December 29, 2003. However, this was not accompanied by a copy of the cited and applied references, requiring Applicant to request a restarting of the period of the response. The copy of the references was not received until April 29, 2004. Thus, a further delay of 88 days. The Examiner improperly attributed this delay to the Applicant. Applicant responded to the final rejection on June 4, 2004. There was no delay caused by the Applicant.

Thus, Applicant had promptly responded to every office action. The restarting of the response period was caused by error of the Patent Office in not providing a copy of the cited and applied references. There was no delay caused by the Applicant. Thus the patent term should have been adjusted in favor of the Applicant by adding 298 days plus 88 days, a total of 386 days.

Applicant further request that the issue fee be reduced to \$665.00, since Applicant claims small entity status for the present application. Up to the present there are no licensees for the application and the Applicant has not changed its status as a small entity.

Date: August 4, 2004

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Respectfully Submitted,


Maria C.H. Lin
Registration No. 29,323

Printer Friendly
09/865,294

IMMUNOGENIC PEPTIDE COMPOSITION COMPRISING MEASLES VIRUS F PROTEIN T

HELPER CELL EPITOPE(MVF TH1-16) AND N-TERMINUS OF B-AMYLOID PEPTIDE

Patent Term Adjustment History



Patent Term Adjustment (PTA) for Application Number: 09/865,294			
			Days
Filing or 371(c) Date:	05-25-2001	USPTO Delay (PTO):	56
Issue Date of Patent:	-	Three Years:	0
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	60
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
07-07-2004	Mail Notice of Allowance		
07-07-2004	Mail Examiner's Amendment		
07-06-2004	Issue Revision Completed		
07-06-2004	Notice of Allowance Data Verification Completed		
07-06-2004	Case Docketed to Examiner in GAU		
07-06-2004	Examiner's Amendment Communication		
07-06-2004	Notice of Allowability		
06-15-2004	Date Forwarded to Examiner		
06-04-2004	Amendment after Final Rejection		60
06-04-2004	Workflow incoming amendment IFW		↑
04-29-2004	Restart Response of action		↑
04-29-2004	Mail Notice of Restarted Response Period		↑
04-29-2004	Letter Restarting Period for Response (i.e. Letter re: References)		↑
04-16-2004	Mail Notice of Restarted Response Period		↑
04-13-2004	Letter Restarting Period for Response (i.e. Letter re: References)		↑
01-05-2004	Mail Final Rejection (PTOL - 326)		↑
12-29-2003	Final Rejection		
11-10-2003	Miscellaneous Incoming Letter		↑
11-05-2003	Examiner Interview Summary Record (PTOL - 413)		
10-15-2003	Date Forwarded to Examiner		
10-01-2003	Response after Non-Final Action		
07-01-2003	Mail Non-Final Rejection		
06-30-2003	Non-Final Rejection		
03-18-2003	Date Forwarded to Examiner		
03-04-2003	Response to Election / Restriction Filed		
02-06-2003	Mail Restriction Requirement		
02-06-2003	Requirement for Restriction / Election		
11-27-2002	CRF Is Good Technically / Entered into Database		

11-07-2002	Date Forwarded to Examiner		
10-30-2002	Supplemental Response		
10-23-2002	Date Forwarded to Examiner		
10-21-2002	Mail Supplemental Restriction / Election Requirement		
10-21-2002	Supplemental Restriction		
10-15-2002	Response to Election / Restriction Filed		
09-19-2002	Mail Restriction Requirement	56	
09-19-2002	Requirement for Restriction / Election	↑	
09-13-2001	Information Disclosure Statement (IDS) Filed	↑	
08-14-2001	Case Docketed to Examiner in GAU	↑	
08-07-2001	Preliminary Amendment	↑	
07-26-2001	Application Dispatched from OIPE	↑	
07-25-2001	Correspondence Address Change	↑	
07-20-2001	Correspondence Address Change	↑	
07-20-2001	Correspondence Address Change	↑	
07-09-2001	CRF Is Good Technically / Entered into Database	↑	
06-05-2001	IFW Scan & PACR Auto Security Review	↑	
05-25-2001	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
05-25-2001	Initial Exam Team nn	↑	

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PATENT TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UTILITY APPLICATION AND FEE TRANSMITTAL (1.53(b))

COMMISSIONER FOR PATENTS
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s) names and addresses:

- (1) Chang Yi Wang
47 Snake Hill Road, Cold Spring Harbor, NY 11724

☐ Additional inventors are listed on a separate sheet

For: SYNTHETIC PEPTIDE COMPOSITION FOR THE PREVENTION OF ALZHEIMERS DISEASE

Enclosed Are:

62 page(s) of specification
1 page(s) of Abstract
12 page(s) of claims
2 sheets of ☒ Formal ☐ Informal drawings
6 page(s) of Declaration and Power of Attorney

☐ Unsigned
☒ Newly Executed
☐ Copy from prior application
☐ Deletion of inventors including Signed Statement under 37 C.F.R. §1.63(d)(2)

☐ REQUEST AND CERTIFICATION UNDER 35 U.S.C. §122(b)(2)(B)(i) (form PTO/SB/35)

As indicated on the attached Request and Certification, Applicant(s) certify that the invention disclosed in the attached application HAS NOT and WILL NOT be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Applicant(s) therefore request(s) that the attached application NOT be published under 35 U.S.C. §122(b).

- ☐ **Incorporation by Reference:**
- ☐ The entire disclosure of the prior application, from which a copy of the combined Declaration and Power of Attorney is supplied herein, is considered as being part of the disclosure of the accompanying application and is incorporated herein by reference.
- ☐ Deletion of Inventors (37 C.F.R. §1.63(d) and §1.33(b))
- Signed statement attached deleting inventor(s) named in the prior application serial no. _____, filed _____.
- ☐ Microfiche Computer Program (Appendix)
- X 17 page(s) of Sequence Listing
- X computer readable disk containing Sequence Listing
- X Statement under 37 C.F.R. §1.821(f) that computer and paper copies of the Sequence Listing are the same
- ☐ Assignment Papers (assignment cover sheet and assignment documents)
- ☐ A check in the amount of \$40.00 for recording the Assignment
- ☐ Charge the Assignment Recordation Fee to Deposit Account No. 13-4503, Order No. _____.
- ☐ Assignment Papers filed in the parent application Serial No. _____.
- ☐ Certification of chain of title pursuant to 37 C.F.R. §3.73(b)
- ☐ Priority is claimed under 35 U.S.C. §119 for:
- Application No(s). _____, filed _____, in _____ (country).
- ☐ Certified Copy of Priority Document(s) [_____]
- ☐ filed herewith
- ☐ filed in application Serial No. _____, filed _____.
- ☐ English translation document(s) [_____]
- ☐ filed herewith
- ☐ filed in application Serial No. _____, filed _____.
- ☐ Priority is claimed under 35 U.S.C. §119(e) for:
- Provisional Application No. _____, filed _____.
- ☐ Information Disclosure Statement
- ☐ Copy of [_____] cited references
- ☐ PTO Form-1449
- ☐ References cited in parent application Serial No. _____, filed _____.
- ☐ Related Case Statement under 37 C.F.R. §1.198(a)(2)(iii)
- ☐ A copy of related pending U.S. Application(s) Serial No(s): _____, filed _____, respectively, is attached hereto.
- ☐ A copy of related pending U.S. Application(s) entitled, _____, filed _____ to inventor(s) _____, respectively, is attached hereto.
- ☐ A copy of each related application(s) was submitted in parent application serial no. _____, filed _____.
- ☐ Preliminary Amendment

- ☐ Return receipt postcard (MPEP 503)
- ☐ This is a ☐ continuation ☐ divisional ☐ continuation-in-part of prior application serial no. ____, filed ____, to which priority under 35 U.S.C. §120 is claimed.
- ☐ Cancel in this application original claims ____ of the parent application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by this Amendment have been properly numbered consecutively beginning with the number following the highest numbered original claim in the prior application).
- ☐ The status of the parent application is as follows:
- ☐ A Petition for Extension of Time and a Fee therefor has been or is being filed in the parent application to extend the term for action in the parent application until ____.
- ☐ A copy of the Petition for Extension of Time in the co-pending parent application is attached.
- ☐ No Petition for Extension of Time and Fee therefor are necessary in the co-pending parent application.
- ☐ Please abandon the parent application at a time while the parent application is pending or at a time when the petition for extension of time in that application is granted and while this application is pending has been granted a filing date, so as to make this application co-pending.
- ☐ Transfer the drawing(s) from the parent application to this application
- ☐ Amend the specification by inserting before the first line the sentence:
This is a continuation of co-pending application Serial No. ____, filed ____.

I. CALCULATION OF APPLICATION FEE				
	Number Filed	Number Extra	Rate	Basic Fee \$710.00/355.00
Total Claims	108- 20 =	88x	\$18.00/\$9.00	\$ 1,584.00
Independent Claims	5- 3 =	2x	\$80.00/\$40.00	\$ 160.00
X Multiple Dependent Claims		If marked; add fee of \$270.00 (\$135.00)		\$ 270.00
TOTAL:				\$ 2,724.00

- X Small entity status is hereby claimed. Reduced fees under 37 C.F.R. §1.9 (f) paid herewith \$1,362.00.
- ☐ A check in the amount of \$ ____ in payment of the application filing fees is attached.

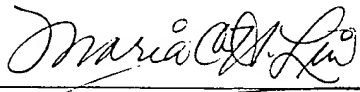
X Charge fee to Deposit Account No. 13-4500 Order No. 1151-4167. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this application pursuant to 37 CFR §1.16, including all extension of time fees pursuant to 37 C.F.R. § 1.17 for maintaining copendency with the parent application, or credit any overpayment to Deposit Account No. 13-4500 Order No. 1151-4167. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 25, 2001

By:


Maria C.H. Lin
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CORRESPONDENCE ADDRESS:

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